1 2 3 4 5 UNITED STATES DISTRICT COURT 6 7 DISTRICT OF NEVADA 8 9 JUAN GARCIA DIAZ, 10 Petitioner, 3:04-cv-0527-LRH-VPC 11 **ORDER** VS. 12 CRAIG FARWELL, et al., 13 Respondents. 14 15 Before the Court is petitioner's motion to repose the case (docket #61). Respondents have 16 indicated that they do not oppose the motion (docket #62). 17 This action was dismissed without prejudice, and the case closed administratively, pursuant 18 to an Order entered September 21, 2009 (docket #60). The dismissal resulted from petitioner's 19 request for stay order to allow him to return to state court to exhaust his state-court remedies with 20 respect to certain of his grounds for relief. In the Order dismissing the case, the Court indicated that 21 this case is subject to being reopened upon a motion by petitioner. See id. 22 Petitioner's further state-court proceedings have apparently concluded, and petitioner has 23 now returned to this Court seeking to reopen this case. Respondents do not object to the case being 24 reopened. The Court will therefore grant petitioner's motion to reopen this case. 25 IT IS THEREFORE ORDERED that petitioner's Motion to Reopen Case (docket 26 #61) is **GRANTED**. 27 IT IS FURTHER ORDERED that the Clerk shall REOPEN THIS FILE. 28 IT IS FURTHER ORDERED that Respondents shall have forty-five (45) days from entry

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of this order to answer or otherwise respond to the petition found in the court record at docket #18, as modified by the Order addressing the Motion to Dismiss (docket #60). Thereafter, petitioner shall have thirty (30) days to file any Reply. Flsihe DATED this 15th day of January, 2011. LARRY R. HICKS UNITED STATES DISTRICT JUDGE